



Docket No.: 1293.1939

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Dmytro KELBAS et al.

Serial No. 10/677,147

Group Art Unit: 2655

Confirmation No. 3929

Filed: October 2, 2003

Examiner: Nabil Z. Hindi

For: ADAPTIVE FOCUSING METHOD AND APPARATUS

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed October 10, 2006. In the statement, the Examiner characterizes certain features that are not in the prior art including, "a static part and a dynamic part" and a focusing signal as shown in FIGs. 4 and 5. However, it is respectfully submitted that such features do not accurately reflect the claim language. By way of example, claim 1 does not recite both a static and dynamic part and makes no reference to the Figs. of the specification. The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 11/8/07

By:



Michael D. Stein
Registration No. 37,240

1400 Eye St., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510